Salaams

Kindly note the underlying:-

Types of Injunctions and Beliefs with Respect to their Proofs from the Qur'aan and the Ahadeeth

1. There are four types of injunctions and beliefs:

- When both the *Thuboot (word/s)* and *Dalaalah (meaning/s)* are *Qat'ee (definite)*
- When the *Thuboot* is *Qat'ee* and the *Dalaalah* is *Dhanni*
- When the *Dalaalah* is *Qat'ee* and the *Thuboot* is *Dhanni*
- When both the *Thuboot* and the *Dalaalah* are *Dhanni*

Thuboot refers to the words of Allaah and His Rasool r while ***Dalaalah*** refers to the meanings of their words. The Qur'aan and *Mutawaatir* Ahadeeth are both ***Qat'ee*** (beyond doubt) in terms of their *Thuboot*.

However, with regard to their ***Thuboot*,** they may be either *Qat'ee* to ***Dhanni*** (not beyond doubt). As for Ahadeeth that are not *Mutawaatir*, they will fall into the third or fourth categories. For more elucidation on this, refer to the books *Kashful Asraar* (commentary of *Usool Fakhril Islaam*) and the commentary of *Tahreerul Usool*.

From the above four types of injunctions and beliefs, **rejecting the first type will make a person a Kaafir, while rejecting any of the other three will not have this effect.**

The Ruling of Ijmaa Ummah (Consensus of the Ummah)

One of the proofs for the injunctions of the Shari'ah is Ijmaa Ummah. **If the *Thuboot* of such Ijmaa is *Qat'ee*, the Ijmaa will be regarded as *Qat'ee* and a person rejecting it will be labelled a Kaafir,** just as the case will be for rejecting anything else of the Shari'ah which is regarded as *Qat'ee*. Therefore, **even if a belief is established from Ahadeeth that are not *Mutawaatir*, when there is Ijmaa upon such a belief, such a belief will be regarded as being *Qat'ee*.**[1]

For more elucidation on this, refer to the books *Fawaatihur Rahmah* (commentary of Muslim), the commentary of *Tahreerul Usool* and *Fat'hul Baari* (Vol.12 Pg.177). Note how the gentleman from Jaipur has misinterpreted this point.

Examples relative to our issue:-

1.) The 5 daily Salaat are Fardh,

2.) The prescribed number of Rakaats for each Salaat,

3.) The prescribed number of Sajdahs in each Salaat,

4.) The amount of Zakaah,

5.) The number of circuits in a Tawaaf,

6.) Prohibition from marrying one another

Thus if a person denies, rejects, mocks or intentionally makes invalid interpretations of that which is proven by Ijma will leave the fold of Islaam.

Thus one cannot:-

1.) Restrict a Muslim from taking another wife,

2.) Place a fine on one who takes another wife,

3.) To state that one has to take permission from the first wife in order to take a second,

4.) To state that one has to take permission from the Kaafir judge in order to take a second,

5.) To state that in order for the validity of the Talaaq witnesses/s have to be present,

6.) To state that in order for the validity of the Talaaq one has to go to a Kaafir to validate it,

7.) To state that one will be fined for taking a second wife,

8.) To state that one will be jailed for taking a second wife,

9.) To state that the laws of inheritance need to be reviewed,

10.) To allow Kaafir rights to interpret Islaamic law.

There can be Ijma on Belief and actions.

Also the denier of Ijma is a Kaafir.

(Usool Bazdawi – Vol 3. P 361)

Thus if someone is promoting an action the contrary of which is proven by Ijma cannot remain a Muslim.

Examples have been stated above, this serious matter has been treated lightly even by Ulema.

May Allaah Majdahu Guide us all.

Jamaadu Thaani 1431

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Was- Salaam

Mufti Elias

[1] *Talweeh* and *Sharh Tahreer*.